

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SHAMAL BRYANT,</b>	:	
	:	<b>Civil Action No. 23-3607</b>
<b>Plaintiff,</b>	:	
	:	<b>Formerly</b>
<b>v.</b>	:	
	:	<b>Court of Common Pleas of</b>
	:	<b>Philadelphia</b>
<b>THE CITY OF PHILADELPHIA,</b>	:	
<b>AUSTIN FRASER,</b>	:	<b>August Term 2023 No. 00858</b>
<b>DEMETRIOUS PITTAOULIS,</b>	:	
<b>NICHOLAS SMITH,</b>	:	
	:	
<b>Defendants.</b>	:	

**NOTICE OF REMOVAL**

**To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania:**

Pursuant to 28 U.S.C. § 1441, defendant the City of Philadelphia (hereinafter “petitioner”), through its counsel, Nicole S. Morris, Chief Deputy City Solicitor, respectfully petitions for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant states the following:

1. On August 9, 2023, plaintiff initiated this action by filing a writ of summons followed by a Complaint on September 11, 2023, in the Court of Common Pleas of Philadelphia, August Term 2023, No. 0858. See Exhibit A, Plaintiff’s Complaint.
2. On September 11, 2023, Plaintiff served the Complaint on counsel for the Petitioner via the e-filing system.
3. Service has not been made on the other defendants.
4. In her Complaint, Plaintiff alleges that defendants violated her federal rights and federal law by discriminating against her on the basis of her race and gender and denied

her overtime. Exhibit A, ¶¶ 13-19.

5. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 because Plaintiff's Complaint contains allegations of violations of 42 U.S.C. § 1983, 42 U.S.C. § 1981, 42 U.S.C. § 2000e and the Equal Pay Act of 1963 or the Fair Labor Standards Act as amended and seeks relief under federal law. Exhibit A, Counts I, II, III and V.

**Wherefore**, Petitioner the City of Philadelphia, respectfully requests that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,



Date: September 18, 2023

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Nicole S. Morris  
Chief Deputy City Solicitor  
Attorney I.D. No. 88265  
City of Philadelphia Law Department  
1515 Arch Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-847-9019

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<b>SHAMAL BRYANT,</b>	:	
	:	<b>Civil Action No. 23-3607</b>
<b>Plaintiff,</b>	:	
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<b>THE CITY OF PHILADELPHIA,</b>	:	
<b>AUSTIN FRASER,</b>	:	<b>August Term 2023 No. 00858</b>
<b>DEMETRIOS PITTAOULIS,</b>	:	
<b>NICHOLAS SMITH,</b>	:	
	:	
<b>Defendants.</b>	:	

**NOTICE OF FILING OF REMOVAL**

TO: David A. Berlin, Esquire  
Matthew B. Weisberg, Esquire  
Gary Schafkopf, Esquire

PLEASE TAKE NOTICE THAT on September 18, 2023, Defendant the City of Philadelphia, filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



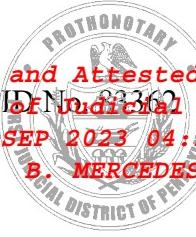
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Nicole S. Morris, Esq.  
Chief Deputy City Solicitor  
Attorney I.D. No. 88265  
City of Philadelphia Law Department  
1515 Arch Street, 15th Floor  
Philadelphia, PA 19102  
215-847-9019

Exhibit “A”

WEISBERG LAW  
 David A. Berlin, Esquire  
 PA Attorney Id. No. 314400  
 Matthew B. Weisberg, Attorney ID No. 85570  
 7 South Morton Ave.  
 Morton, PA 19070  
 610-690-0801  
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 Gary Schafkopf, Attorney ID No. 33362  
 11 Bala Ave  
 Bala Cynwyd, PA 19004  
 610-664-5200 Ext 104  
 Fax: 888-283-1334




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*Attorneys for Plaintiff*

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**SHAMAL BRYANT**  
 909 N. 64th Street  
 Philadelphia, PA 19151

Plaintiffs,  
 v.  
**CITY OF PHILADELPHIA d/b/a**  
**PHILADELPHIA POLICE DEPARTMENT,**  
 1515 Arch St, 16<sup>th</sup> FL  
 Philadelphia, PA 19102

and

**AUSTIN FRASER**  
 Individually and in his official capacity as  
 Captain  
 Philadelphia Police Department  
 1515 Arch St, 16<sup>th</sup> FL  
 Philadelphia, PA 19102

and

**DEMETRIOS PITTAOULIS,**  
 Individually and in his official capacity as  
 Lieutenant  
 Philadelphia Police Department  
 1515 Arch St, 16<sup>th</sup> FL  
 Philadelphia, PA 19102

and

**NICHOLAS SMITH**  
 Individually and in his official capacity as  
 Captain

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Philadelphia Police Department	:
1515 Arch St, 16 <sup>th</sup> FL	:
Philadelphia, PA 19102	:
	:
	:
Defendants.	:

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**NOTICE TO DEFEND**

<b>NOTICE</b>	<b>AVISO</b>
<p>You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p>	<p>Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.</p>

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association  
One Reading Center  
11<sup>th</sup> & Market Streets  
Philadelphia, PA 19107  
215-238-6333

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

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*Attorneys for Plaintiff*

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**SHAMAL BRYANT**  
 909 N. 64th Street  
 Philadelphia, PA 19151

Plaintiffs,  
 v.  
**CITY OF PHILADELPHIA d/b/a**  
**PHILADELPHIA POLICE DEPARTMENT,**  
 1515 Arch St, 16<sup>th</sup> FL  
 Philadelphia, PA 19102

and

**AUSTIN FRASER**  
 Individually and in his official capacity as  
 Captain  
 Philadelphia Police Department  
 1515 Arch St, 16<sup>th</sup> FL  
 Philadelphia, PA 19102

and

**DEMETRIOS PITTAOULIS,**  
 Individually and in his official capacity as  
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 1515 Arch St, 16<sup>th</sup> FL  
 Philadelphia, PA 19102

and

**NICHOLAS SMITH**  
 Individually and in his official capacity as  
 Captain

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Philadelphia Police Department	:
1515 Arch St, 16 <sup>th</sup> FL	:
Philadelphia, PA 19102	:
	:
	:
Defendants.	:

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**CIVIL ACTION COMPLAINT**

1. Plaintiff, Shamal Bryant, is an adult female, is an adult individual currently residing at the above captioned address. At all times material hereto, Plaintiff was employed by the City of Philadelphia d/b/a the Philadelphia Police Department, as a police sergeant. In her capacity of an employee of the PPD, Plaintiff has worked for the City of Philadelphia for over 24 years. Plaintiff is African American.
2. Defendant, the Philadelphia Police Department (“PPD”) is a government agency that conducts business in the Commonwealth of Pennsylvania and is headquartered at the above-captioned address.
3. Defendant Austin Fraser (“Fraser”), Caption for the PPD who, at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
4. Defendant Demetrios Pittaoulis (“Pittaoulis”), Lieutenant for the PPD who, at all times material herein, acted individually, as well as in his official capacity as an agent, servant, workman, or employee of, the Philadelphia Police Department acting under color of State law.
5. Defendant Nicholas Smith (“Smith”), Caption for the PPD who, at all times material herein, acted individually, as well as in his official capacity as an agent, servant,

workman, or employee of, the Philadelphia Police Department acting under color of State law.

6. Venue is proper in this Honorable Court as the events giving rise to this action occurred in Philadelphia County.
7. Plaintiff has exhausted her administrative remedies and obtained a Right to Sue Letter from the EEOC. (Exh. A).

### **OPERATIVE FACTS**

8. The above paragraphs are incorporated herein by reference.
9. The PPD has discriminated against Plaintiff based on her gender and race.
10. In or around December 2019, Plaintiff was promoted to Sergeant and assigned to the 14th Police District located at 43 W. Haines St., Philadelphia, PA 19144. In or around January of 2020, Plaintiff began reporting to that location.
11. Immediately upon Plaintiff's arrival, she was informed by the Captain's administration that the district would no longer have a female supervisor locker room. Plaintiff was informed that she would be sharing a locker room with the female officers of the district. She was also informed that there were no available lockers in the female locker room and that a locker from the men's locker room would be relocated into the female (officers) locker room for her usage.
12. In or around February 2020, Plaintiff learned that the district had two locker rooms for men. A locker room for male officers and another for male supervisors.
13. In addition, the district has overtime that supervisors are allowed to work. The overtime consists of a crime plan (crime reduction overtime) and absentee replacement (replacing supervisory personnel either administratively or on street patrol). Since arriving at the

district, Plaintiff has rarely been offered any overtime. However, Plaintiff's co-workers of the same rank (Sergeant), of a different race (Caucasians), and of different gender have been regularly offered and worked overtime.

14. Upon information and belief, Defendants Pittaoulis, Fraser and Smith were in charge of offering and approving overtime to police personnel.
15. Defendants Pittaoulis, Fraser and Smith are all males.
16. Upon information and belief, Plaintiff is being discriminated against based on her gender and race.
17. Upon information and belief, it was common for black, female police personnel not to be provided with the same work accommodations and hours as their Caucasian, male counterparts. Upon information and belief, Defendants are the decision makers regarding the aforesaid custom, policy, and/or practice.
18. Plaintiff has suffered and continues to suffer severe physical and emotional distress as a result of Defendants' conduct.
19. Due to the actions of Defendants, Plaintiff is forced to work in a hostile environment and was unjustly treated, because she is an African American and female.

**COUNT I**

**CIVIL RIGHTS VIOLATION 42 U.S.C. § 1983- DISCRIMINATION AND HOSTILE WORK ENVIRONMENT ON THE BASIS OF RACE**

20. The above paragraphs are hereby incorporated herein by reference.
21. As a result of Defendants actions as aforesaid, Defendants have denied Plaintiff the right to the same terms, conditions, privileges and benefits of her employment agreement with the City of Philadelphia Police Department, in violation of 42 U.S.C. § 1981.

22. Such violations of 42 U.S.C. § 1981 is actionable against the City of Philadelphia, a municipal entity, pursuant to 42 U.S.C. § 1983.
23. Defendants have caused Plaintiff to suffer humiliation and embarrassment, emotional distress, and have sustained damages for which recovery of compensatory damages may be had pursuant to 42 U.S.C. § 1983.
24. Said hostile environment and discrimination against Plaintiff was pervasive and severe.
25. Said hostile environment and discrimination against Plaintiff has affected Plaintiff to her detriment.
26. Said hostile environment, discrimination and harassment would detrimentally affect a reasonable person under similar circumstances.
27. Said discrimination and harassment has caused a hostile work environment.
28. Said discrimination, and harassment has exacerbated the already hostile work environment to the point of a crisis.
29. Said violations were done intentionally and/or knowingly with malice or reckless indifference and warrant the imposition of punitive damages.
30. As a direct and proximate result of Defendants' violation of 42 U.S.C. § 1983 Plaintiff has suffered the damages and losses set forth herein and have incurred attorneys' fees and costs.
31. Plaintiff is suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory acts and misconduct, unless and until this Court grants the relief requested herein.
32. The wrongful acts and conduct of Defendants were done with deliberate indifference to the statutory and constitutional rights of Plaintiff.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT II**  
***MONELL***

33. The above paragraphs are hereby incorporated herein by reference.
34. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the Constitutional rights of Plaintiff, which caused violation of Plaintiff's constitutional and other rights.
35. Specifically, Defendants had a policy of not providing black, female police personnel the same work accommodations and hours as their Caucasian, male counterparts.
36. Plaintiff suffered harm due to the Defendants' conduct.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT III**  
**VIOLATION OF TITLE VII ON THE BASIS OF GENDER**

37. The above paragraphs are hereby incorporated herein by reference.
38. By committing the foregoing acts of discrimination against Plaintiffs, Defendants have violated Title VII.
39. Said violations were done with malice and/or reckless indifference and warrant the imposition of punitive damages.

40. As a direct and proximate result of Defendants violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

41. Plaintiff has suffered and will continue to suffer irreparable injury and monetary damages as a result of Defendants discriminatory acts unless and until this Court grants the relief requested herein.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT IV**  
**VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT (PHRA)**

42. The above paragraphs are incorporated herein by reference.

43. The above acts and practices of Defendants constitute unlawful discriminatory employment practices under the PHRA.

44. As a result of Defendants' discriminatory acts, Plaintiff has suffered and shall continue to suffer monetary damages and damages for mental suffering and humiliation unless and until the Court grants relief.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT V**  
**VIOLATION OF THE FAIR LABOR STANDARDS ACT/EQUAL PAY ACT OF 1963**

45. The above paragraphs are incorporated herein by reference.
46. The above acts and practices of Defendants constitute unlawful discriminatory employment practices under The Equal Pay Act (EPA) of 1963.
47. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants ‘discriminatory acts unless and until this Court grants the relief requested herein.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney’s fees and costs.

**COUNT VI**  
**VIOLATION OF PENNSYLVANIA EQUAL PAY LAW (43 P.S. §336)**

48. The above paragraphs are incorporated herein by reference.
49. The above acts and practices of Defendants constitute unlawful discriminatory employment practices under Pennsylvania Equal Pay Law.
50. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants’ discriminatory acts unless and until this Court grants the relief requested herein.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney’s fees and costs.

Respectfully Submitted,

WEISBERG LAW

/s/ David Berlin

David Berlin, Esquire

Matthew B. Weisberg, Esquire

SCHAFKOPF LAW

/s/ Gary Schafkopf

Gary Schafkopf, Esquire

*Attorneys for Plaintiff*

DATED: September 11, 2023

WEISBERG LAW

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*Attorneys for Plaintiff*

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SHAMAL BRYANT

Plaintiffs

v.

CITY OF PHILADELPHIA d/b/a PHILADELPHIA  
POLICE DEPARTMENT, et al

Defendants.

---

: PHILADELPHIA COUNTY  
: COURT OF COMMON PLEAS  
: No. 230800858  
:  
:  
:  
:

**CERTIFICATE OF SERVICE**

I, David Berlin, Esquire, hereby certify that on this 11th day of September 2023, a true and correct copy of the foregoing Complaint was served upon all parties of record via e-filing.

**WEISBERG LAW**

/s/ David A. Berlin  
David A. Berlin, Esquire  
Matthew B. Weisberg, Esquire  
Attorneys for Plaintiff

WEISBERG LAW  
David A. Berlin, Esquire  
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Fax: 888-283-1334

SHAMAL BRYANT

: PHILADELPHIA COUNTY  
: COURT OF COMMON PLEAS

## Plaintiffs

: No. 230800858

CITY OF PHILADELPHIA d/b/a PHILADELPHIA  
POLICE DEPARTMENT, et al

•

## Defendants.

## VERIFICATION

I, Shamal Bryant, hereby verify that the factual averments in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment. I acknowledge that the foregoing Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Shamal Bryant

09.07.2023

Date

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SHAMAL BRYANT,</b>	:	
	:	<b>Civil Action No. 23-3607</b>
<b>Plaintiff,</b>	:	
	:	<b>Formerly</b>
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	:	<b>Court of Common Pleas of</b>
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<b>THE CITY OF PHILADELPHIA,</b>	:	
<b>AUSTIN FRASER,</b>	:	<b>August Term 2023 No. 00858</b>
<b>DEMETRIOS PITTAOULIS,</b>	:	
<b>NICHOLAS SMITH,</b>	:	
	:	
<b>Defendants.</b>	:	

**CERTIFICATE OF SERVICE**

I, Nicole S. Morris, Deputy City Solicitor do hereby certify that a true and correct copy of the attached Notice of Removal and attachments have been served upon the following by electonica mail on the date indicated below:

TO: David A. Berlin, Esquire  
Matthew B. Weisberg, Esquire  
Gary Schafkopf, Esquire



Date: September 18, 2023

---

Nicole S. Morris  
Deputy City Solicitor  
Attorney I.D. No. 88265  
City of Philadelphia Law Department  
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